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December 21, 2001

BRIAN M. HOFFMAN

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DIRECT DIAL 415.875.2484

**VIA FEDERAL EXPRESS – Airbill No. 7902 5542 1064**

Roger Wang  
41415 Timber Creek Terrace  
Fremont, CA 94539

RE: U.S. Patent Application No. 09/976,686  
Title: FAIL SAFE RECOVERY  
Filed: October 11, 2001  
Inventors: Jeffrey S. Hastings *et al.*  
Our Ref.: 22407-05490

Dear Roger:

We have received a Notice to File Missing Parts for the above-identified patent application, and must now file executed Declaration, Power of Attorney, and Assignment documents. Accordingly, please execute the enclosed documents in the order listed below:

**DECLARATION**: Please perform the following steps in the following order to execute this document:

1. Review the enclosed application.
2. Review the Declaration.
3. If all is in order, sign and date the Declaration where indicated.

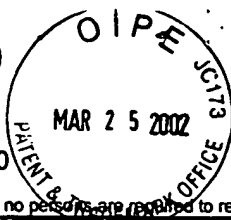
**POWER OF ATTORNEY**: Please perform the following steps in the following order to execute this document:

1. Review the Power of Attorney.
2. If all is in order, sign and date the Power of Attorney where indicated.

**ASSIGNMENT**: **AFTER** the Declaration and Power of Attorney have been signed, please perform the following steps in the following order to execute this document:

1. Review the Assignment document.

ATTORNEY DOCKET NO. 22407-05490



PTO/SB/01A (10-00)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)**

As the below named inventor(s), I/we declare that:

This declaration is directed to:

- ☐ The attached application \_\_\_\_\_ or  
☒ Application No. 09/976,686, filed on October 11, 2001,  
☐ as amended on \_\_\_\_\_ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part application, if applicable; and

All statements made herein of my/our knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

**FULL NAME OF INVENTOR(S)**

Inventor one: Jeffrey S. Hastings Citizen of: United States

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Inventor two: Ruxiang Wang Citizen of: PR China

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Inventor three: \_\_\_\_\_ Citizen of: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Inventor four: \_\_\_\_\_ Citizen of: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

☐ Additional inventors are being named on additional form(s) attached hereto.

Burden Hour Statement: This collection of information is required by 35 U.S.C. and 37 CFR 1.63. The information is used by the public to file (and the PTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 1 minute to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

22407/05490/SF/5065520.1

Roger Wang  
App. No. 09/976,686  
Our Ref. 22407-05490  
December 21, 2001  
Page 2



2. If all is in order sign and date the document under "Date of Signature." It is preferable, although not necessary, to execute the Assignment in the presence of a notary public.
3. Fill in the date under "Date Declaration Executed By This Person" where indicated.

Please send the executed documents back to me prior to **January 13, 2002** using the enclosed Federal Express envelope.

Please contact me at (415) 875-2484, or my assistant Pat Floris at (415) 875-2416, if you have any questions or comments regarding these documents.

Sincerely,

FENWICK & WEST LLP

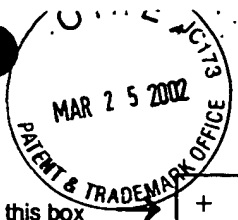
*Brian M. Hoffman*  
paf

Brian M. Hoffman

:paf  
Enclosures

cc: Hugh Cooney (w/o encls.)  
David Gershon (w/o encls.)

22407/05490/SF/5065543.1



Please type a plus sign (+) inside this box

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## POWER OF ATTORNEY OR AUTHORIZATION OF AGENT

Application Number	09/976,686
Filing Date	October 11, 2001
First Named Inventor	Jeffrey S. Hastings <i>et al.</i>
Title	FAIL SAFE RECOVERY
Group Art Unit	2184
Examiner Name	UNASSIGNED
Attorney Docket Number	22407-05490

I hereby appoint:

☐

Practitioners at Customer Number  
**OR**

00758

☒

Practitioner(s) named below:

Name(s)	Registration Number(s)
Laura A. Majerus	33,417
Brian M. Hoffman	39,713

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:

☒

The above-mentioned Customer Number.

I am the:

☒

Applicant/Inventor

OR

☐

Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

Name

Jeffrey S. Hastings

Signature

Date

I am the:

☒

Applicant/Inventor

OR

☐

Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

Name

Ruxiang Wang

Signature

Date

I am the:

☐

Applicant/Inventor

OR

☐

Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

Name

Signature

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ \*Total of \_\_\_\_\_ forms are submitted.

ASSIGNMENT

For good and valuable consideration, the receipt of which is hereby acknowledged, the person(s) named below (referred to as "INVENTOR" whether singular or plural) has sold, assigned, and transferred and does hereby sell, assign, and transfer to Sonicblue Incorporated, a Delaware corporation, having a place of business at 2841 Mission College Boulevard, Santa Clara, California 95054-1838, ("ASSIGNEE"), for itself and its successors, transferees, and assignees, the following:

1. The entire worldwide right, title, and interest in all inventions and improvements ("SUBJECT MATTER") that are disclosed in the provisional application filed under 35 U.S.C. §111(b) or non-provisional application filed under 35 U.S.C. §111(a) and entitled FAIL SAFE RECOVERY ("APPLICATION"), which:

☐ is to be filed herewith

☒ was filed on October 11, 2001,

now bearing U.S. application number 09/976,686 ; and

2. The entire worldwide right, title, and interest in and to:

(a) the APPLICATION; (b) all applications claiming priority from the APPLICATION; (c) all divisional, continuation, substitute, renewal, reissue, and other related applications thereto which have been or may be filed in the United States or elsewhere in the world; (d) all patents (including reissues and re-examinations) which may be granted on the applications set forth in (a), (b), (c) and (d) above; and (e) all right of priority in the APPLICATION, together with all rights to recover damages for infringement of provisional rights.

INVENTOR agrees that ASSIGNEE may apply for and receive patents for SUBJECT MATTER in ASSIGNEE's own name.

INVENTOR agrees to do the following, when requested, and without further consideration, in order to carry out the intent of this Assignment: (1) execute all oaths, assignments, powers of attorney, applications, and other papers necessary or desirable to fully secure to ASSIGNEE the rights, titles and interests herein conveyed; (2) communicate to ASSIGNEE all known facts relating to the SUBJECT MATTER; and (3) generally do all lawful acts that ASSIGNEE shall consider desirable for securing, maintaining, and enforcing worldwide patent protection relating to the SUBJECT MATTER and for vesting in ASSIGNEE the rights, titles, and interests herein conveyed. INVENTOR further agrees to provide any successor, assign, or legal representative of ASSIGNEE with the benefits and assistance provided to ASSIGNEE hereunder.

INVENTOR represents that INVENTOR has the rights, titles, and interests to convey as set forth herein, and covenants with ASSIGNEE that the INVENTOR has not made and will not hereafter make any assignment, grant, mortgage, license, or other agreement affecting the rights, titles, and interests herein conveyed.

INVENTOR grants the attorney of record the power to insert on this Assignment any further identification that may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

Title of Document: ASSIGNMENT

Re:

Title: FAIL SAFE RECOVERY

Filed: October 11, 2001

Application No.: 09/976,686

This Assignment may be executed in one or more counterparts, each of which shall be deemed an original and all of which may be taken together as one and the same Assignment.

<u>Name and Signature</u>	<u>Date of Signature</u>	<u>Date Declaration Executed By This Person</u>
JEFFREY S. HASTINGS	_____, 2001	_____, 2001

State of \_\_\_\_\_ } S.S.  
 County of \_\_\_\_\_ }

On \_\_\_\_\_ before me, \_\_\_\_\_ personally  
 [DATE] [NOTARY PUBLIC]

appeared Jeffrey S. Hastings personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that s/he executed the same in her/his authorized capacity, and that by her/his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

Notary Seal

Notary

<u>Name and Signature</u>	<u>Date of Signature</u>	<u>Date Declaration Executed By This Person</u>
RUXIANG WANG	_____, 2001	_____, 2001

State of \_\_\_\_\_ } S.S.  
 County of \_\_\_\_\_ }

On \_\_\_\_\_ before me, \_\_\_\_\_ personally  
 [DATE] [NOTARY PUBLIC]

appeared Ruxiang Wang personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that s/he executed the same in her/his authorized capacity, and that by her/his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

Notary Seal

Notary

280

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# 1000 FedEx USA Airbill 0231 2439 7107

1 From Please print and print hard.

Date \_\_\_\_\_

Sender's Name **Roger Wang** Phone ( ) \_\_\_\_\_

Company \_\_\_\_\_

Address **41415 Timber Creek Terrace**

City **Fremont** State **CA** ZIP **94539**

2 Your Internal Billing Reference **22407-05490** OPTIONAL

3 To Recipient's Name **Brian Hoffman** Phone **(415) 875-2300**

Company **FENWICK & WEST**

Address **275 BATTERY ST STE 1500**

City **SAN FRANCISCO** State **CA** ZIP **94111**

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Questions? Call 1-800-66-FEDX (663-3333)

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